

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.5887 of 1997

with

SPECIAL CIVIL APPLICATION No.5888 of 1997

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For Approval and Signature:

Hon'ble THE ACTING CJ R.A.MEHTA and

MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

1 to 5 : No

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PRABHAT INDUSTRIES

Versus

UNION OF INDIA  
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Appearance:

MR PARESH M DAVE for Petitioners

MR KETAN A DAVE for Respondent No. 1

MS AVANI S MEHTA for Respondent No. 2  
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CORAM : THE ACTING CJ R.A.MEHTA and

MR.JUSTICE N.N.MATHUR

Date of decision: 12/09/97

COMMON ORAL JUDGEMENT : (Per R.A. Mehta, Actg CJ)

1. Rule. Ms.Avni S. Mehta, learned advocate and  
Shri Ketan Dave, learned Additional Central Government

Standing Counsel waive service of the rule on behalf of the respondents.

2. In all these matters, against the orders in original, the petitioners have preferred appeals to the Appellate Authority, long ago along with stay applications. However, stay applications have not been dealt with so far by the Appellate Authority and in the meanwhile coercive recovery is being enforced.

3. In a similar situation, in the case of DCW and others v. Commissioner (Appeals) and others, reported in 38 (2) GLR 913, it is held that such stay applications must be decided expeditiously preferably within one month.

4. It is, therefore, directed that the Appellate Authority shall hear and decide the stay applications expeditiously, preferably within one month from today. Till then coercive recovery shall not be effected. The Appellate Authority shall decide the stay applications in accordance with law and without being influenced by this order.

5. In view of the aforesaid directions and the effective alternative remedy, these petitions are not required to be entertained and are, therefore, dismissed. Rule is discharged subject to the aforesaid directions with no order as to costs.

(R.A. Mehta, Actg CJ)

12th September 1997 (N.N. Mathur, J.)

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